

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

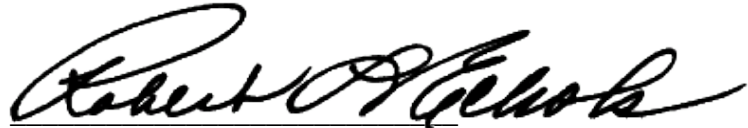
OPERATING ENGINEERS LOCAL UNION NO.)	
474 HEALTH AND WELFARE FUND,)	
OPERATING ENGINEERS LOCAL UNION)	
NO. 474 PENSION FUND, and OPERATING)	
ENGINEERS LOCAL UNION NO. 474)	Civil Action No. 3:08-0084
APPRENTICESHIP FUND,)	
)	<i>Judge Echols</i>
Plaintiffs,)	<i>Magistrate Judge Griffin</i>
)	
v.)	
)	
AM CONTRACTING, INC.,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiffs' Motion to cancel a show cause hearing set for October 6, 2008 and to dismiss this civil action without prejudice. The Court being of the opinion the relief requested by the motion is appropriate, the show cause hearing presently set for October 6, 2008 (Docket Entry no. 16) is cancelled.

Plaintiff having also requested that this civil action be dismissed without prejudice, the civil action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41 (a)(2).

IT IS SO ORDERED.



ROBERT L. ECHOLS
United States District Judge

APPROVED FOR ENTRY:

s/R. Jan Jennings

R. Jan Jennings, BPR No. 1536
Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North, 4th Floor
Nashville, TN 37201-1631
Tel.: (615) 254-8801

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served via United States First Class Mail with adequate postage affixed thereon to:

Frank Avis
AM Contracting, Inc.
1149 South Seventh St.
Louisville, KY 40203

This 25th day of September, 2008.

s/R. Jan Jennings

R. Jan Jennings